

SIERRA
CLUB
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

August 15, 2007

Re: Petition 28LUC-07 PB Plum Creek Timberlands Request

Dear Commissioners,

The Suwannee-St Johns group of the Sierra Club objects to the above mentioned petition for a land use change for several reasons.

This over 1700 acre property is part of two strategic ecosystems in Alachua County, Buck Bay Flatwoods and Hague Flatwoods.

In 2004, Alachua County adopted these properties into their Comprehensive plan with a designation of "strategic ecosystem" as they are part of the KBN-Golder inventory. In 1986, Alachua County contracted with the KBN firm to inventory the most ecologically significant lands that were still in private ownership in the county. The list was updated in 1996 and the Buck Bay Flatwoods and Hague Flatwoods were ranked above average of the 47 properties that were found to be the most significant ecological lands in private ownership in the county.

Their importance was determined by several factors, the most relevant being that they formed the headwaters of seven important creeks in the county.

They also contain many small, isolated wetlands important for many rare and significant amphibians.

Current state and federal laws do not protect small wetlands (less than 5 acres) and we have seen a dramatic drop in their numbers at the same time as they are just being recognized as vital to the protection of many amphibians and other wildlife. These small, sometimes ephemeral wetlands are havens for creatures that in large wetlands fall easily to predation from fish and reptiles that can't survive in small wetlands.

These two ecosystems also contain large areas of mostly undeveloped uplands that are also important for amphibian's survival. We have done only a fair job of protecting large wetlands in our country but we have done an abysmal job of protecting uplands, completely ignoring the integral part that uplands play in the survival of wetland species.

Because of the importance of these strategic ecosystems, Alachua County has more restrictions on their development. By annexing into the city, Plum Creek is no longer subject to these restrictions.

We recognize that the company is requesting a land use change to Single Family Residential at a much lower density than the usual density allowed by the city. But it is still four



SIERRA
CLUB
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

times more dense than the maximum that would have been allowed under the county comprehensive plans protection of strategic ecosystems. We should emphasize that the city's comp plan is for development of areas that are suitable for urban growth, not ecologically sensitive lands like these.

Also, because of the strategic ecosystem categorization, the county would have required that a special area study be done on the property prior to allowing any land use or zoning changes. (In contrast, the applicant is requesting that any analysis be done at the development review stage of environmental significance) This study would have found the most ecologically sensitive areas of the property and required that development be clustered on the least sensitive parts. They also would have required that 50% of the uplands be permanently protected, that no wetlands be impacted and wetland buffers be, 75 feet on average. These are all much higher standards than the city comp plan requires.

Apart from the fact that this property is part of some of the most ecologically sensitive areas of the county, there are other reasons that the city should not allow this land use change.

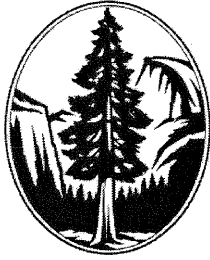
As the city's own environmental staff has stated, most of the soils in this property are either poorly drained or extremely hydric and the area easily floods. This is not suitable for residential development as the area would be under water or flooded during heavy rain events.

Also, the petitioner has markedly underestimated the amount of road trips, road costs and impacts that this land use would bring. Your own staff report states: "Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency."

The deficiencies in the trip analysis found by Florida Department of Transportation:
include:

- The applicant information is insufficient to address possible impacts on the road network.
- The information only addressed Phase I and does not address Phase II needs. Phase II analysis will be necessary.
- FDOT analysis shows a segment of SR 121 will be significantly and adversely affected by 2013.
- No financial feasibility plan was provided by the applicant.
- No analysis of the anticipated impacts to affected intersections was provided by the applicant.
- It is unclear what transportation model was used for trip analysis.
- Trip generation and pass-by figures seem incorrect.

In addition, the entire eastern border of the property is adjacent to the Conservation easement for the city's water supply. Only very low density should be allowed in this area,



**SIERRA
CLUB**
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

especially on this property as it is considered a high recharge area for the Florida aquifer, putting our drinking supply at risk.

The school impact analysis shows that the residential development will have an adverse impact on school capacity at all levels, elementary, middle and high school, exceeding concurrency in all three by the time of build out.

In summary, the Sierra Club concurs with the city's own environmental staff analysis and recommendation as well as the county's environmental staffs recommendation that the land use change be denied because :

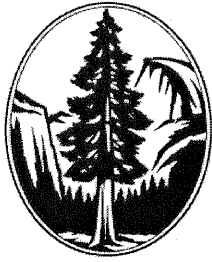
1. The ecological sensitivity of the area is not suitable for this intense development.
2. The size of this development will exceed road capacity as well as school capacity.
3. The developer has grossly underestimated road infrastructure costs
4. This will send a message to other landowners that they cannot avoid the more stringent development requirements of the county's strategic ecosystems by annexing into the city.

In addition, we recommend that the city adopt the county's comp plan goals, objectives and policies for strategic ecosystems protection as part of their own comp plan, thus avoiding future attempts by landowners to annex to the city to avoid stricter protection criteria.

As an appendix to this letter we offer the relevant Gainesville Comprehensive Plan citations that support our above request. Please note especially Policy 1.1.1, last sentence which says the city should expand their minimum standards of protection when addressing conservation lands. Also please note that the Environmentally Significant Land and Resource map series contains the Buck Bay and Hague Flatwoods in anticipation that they could be annexed in the near future.

Yours truly,

Rob Brinkman, Chair
SSJ Sierra Executive Committee



**SIERRA
CLUB**
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

Appendix A

Relevant Comprehensive Plan GOP's

Conservation, Open Space and Groundwater Recharge Element

Goal 1

Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

Policies

1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.

1.1.2 The City shall use the environmentally significant properties inventory/ranking report to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.

2.3.6 Until such time as prime recharge areas are mapped, the City shall use the Floridan Aquifer recharge maps prepared by the St. Johns River Water Management District and the Suwannee River Water Management District (see Environmentally Significant Land and Resources map series within the Future Land Use Map Series). City land development regulations shall be amended to protect such areas if existing regulations and programs do not already protect them.

Objective 2.4

The City shall amend its land development regulations as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; threatened or endangered or listed (or candidates for being listed) plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted regulations shall be designed to maintain viable populations of these existing plant and animal species and allow development activities which are compatible with identified environmentally significant lands and resources. (See Environmentally Significant Land and Resources map series within the Future Land Use Map Series.).



**SIERRA
CLUB**
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

Policies

2.4.1 The City shall maintain an updated inventory of identified environmentally significant resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. If additional resources are identified, these properties shall be subject to regulations keyed to the resource present at the site. The Future Land Use Map Series shall be amended to include these properties.

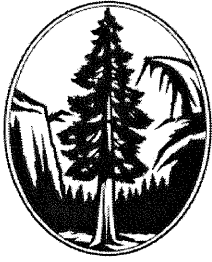
2.4.2 The City shall adopt land development regulations that protect identified threatened or endangered or listed (or candidates for being listed) plants, animals or habitats. These regulations shall require developments of parcels within the environmentally significant areas to submit an ecological inventory of the parcel.

The City shall protect floodplains through existing land development regulations that at a minimum:

- a. Prohibit development within the flood channel or floodplain without a City permit;
- b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
- c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
- d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful materials in the flood channel;
- e. Prohibit development within the floodplain that would reduce the capacity of the floodplain;
- f. Prohibit development that would cause or create harmful soil erosion, stagnant water, and irreversible harmful impacts on existing flora and fauna;
- g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and
- h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation, in addition to those allowed in the flood channel.

2.4.11 The City's land development regulations shall protect environmentally significant lands and resources by:

- a. Controlling permissible uses through regulatory overlay districts;
- b. Providing opportunities for alternative and innovative site development;
- c. Providing setback and parking standards;
- d. Providing mandatory mitigation to ensure no net loss of acreage and functions when wetlands are unavoidably lost;
- e. Allowing for, or requiring the clustering of development away from environmentally significant resources; and
- f. Restricting on-site waste disposal systems.



**SIERRA
CLUB**
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

2.4.12 At a minimum, conservation strategies for significant natural communities shall include:

- a. Required conservation of native upland natural communities;
- b. Installation of native vegetation landscaping and removal of invasive trees and shrubs;

2.4.12 At a minimum, conservation strategies for significant natural communities shall include:

- a. Required conservation of native upland natural communities;
- b. Installation of native vegetation landscaping and removal of invasive trees and shrubs;

Land Use Element

Policy 3.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.

- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations which prohibit development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.
- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest

Policy 3.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.

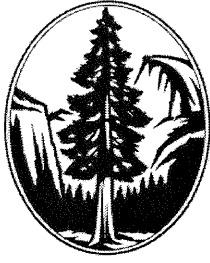
- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority.

f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.

Policy 3.1.2 The City shall regulate development in high aquifer recharge areas that, at a minimum, meet the standards and guidelines of the St. Johns River or Suwannee

Data and Analysis Page regarding isolated wetlands:

The value of creeks, lakes, and wetlands is not necessarily a function of size. For example, temporary wetlands less than one-half acre in size may serve as habitat for a large



**SIERRA
CLUB**
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

and diverse population of species, especially if the wetland is remote from other wet areas. In addition, many species can only survive in smaller wetlands which exhibit characteristics that are not found in larger wetland systems (such as periodic dry periods, lower energy levels, etc.).

Page 72 in the Data and Analysis of the city's Comprehensive Plan:

Annexation has brought several thousand acres of environmentally significant areas into the City limits as well as moved it closer to other significant areas in the unincorporated areas. In 1996, Alachua County completed a habitat inventory, which supplements the KBN study from 1987, identifying significant habitat still in private ownership. The following habitats lie within or near the City limits and are identified on Map 9. Map 10 "Significant Ecological Communities" illustrates the distribution of communities found in Table 5 Catalog of Natural Ecological Communities located in the appendix.

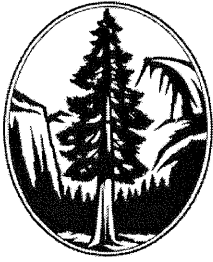
BUCK BAY FLATWOODS. Buck Bay is a diverse collection of pine flatwood forest and wetlands directly north of Gainesville. Comprising 18,018 acres, the flatwoods are a major headwaters area "rather like a miniature Green Swamp". Rare, threatened and endangered species for the flatwoods include the Florida gopher frog, gopher tortoises, wood stork, snowy egret, little blue heron and alligator. KBN indicates that the site is large enough to be "potential habitat for the red-cockaded woodpecker, but is not close to being suitable in its present condition due to the young age of the trees." It is also potential habitat for a number of listed terrestrial orchids, butterworts and rare wildflowers.

HAGUE FLATWOODS. This is a 6,344-acre site between, and north of, the Millhopper and Buck Bay Flatwoods, and contains the Deerhaven Power Station. Rated 23rd in priority by the KBN/Golder study, the site contains large areas of basin swamp, many cypress domes, and is part of the headwaters of both Rocky Creek and Turkey Creek.

Page 84:

Recommended strategies to conserve Gainesville's plants, animals, and habitat include:

- * Establish a city- or county-managed monitoring program for trends in plant and animal populations.
- * Continue acquiring and maintaining exemplary ecological communities.
- * Apply development regulations designed to protect and restore native plants and animals to properties associated with creeks, lakes, and wetlands.
- * Work with Alachua County to adopt protection and restoration guidelines for significant uplands, farms, and forested areas in anticipation of future annexation of such areas into the city.
- * Encourage the clustering of buildings, xeriscaping, establishment and protection of native vegetation, and tree protection for all land uses within the city. On cluster developments, discontinue accepting stormwater management areas to meet the requirement of "preserved open space", since the water quality in basins is often detrimental to wildlife.



SIERRA
CLUB
FOUNDED 1892

Suwannee-St. John's group

P.O. Box 13951

Gainesville, FL 32604

352-337-1757

RobBrinkman@cox.net

Protection of privately-owned floodplains and significant ecological communities are accomplished primarily through establishment of special environmental overlay regulations (as described in the "Identification of Environmentally Significant Open Space" section of this Report).